

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Amendment of Part 90 of the
Commission's Rules to Facilitate
Future Development of SMR Systems
in the 800 MHz Frequency Band

PR Docket No. 93-144

Implementation of Sections 3(n)
and 332 of the Communications Act --
Regulatory Treatment of Mobile Services

GEN Docket No. 93-252

Implementation of Section 309(j) of
the Communications Act --
Competitive Bidding

PP Docket No. 93-253

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To: The Commission

**REPLY OF GENERAL MOTORS
RESEARCH CORPORATION TO OPPOSITIONS
TO PETITION FOR RECONSIDERATION**

General Motors Research Corporation ("GMRC"), a subsidiary of General Motors Corporation, by its attorneys, hereby files this reply to the oppositions filed in response to the petitions for reconsideration filed March 18, 1996, by GMRC and other parties in the above-captioned proceeding.

In its March 18, 1996, petition for reconsideration, GMRC explained that it is a private mobile radio service (PMRS) licensee of 800 MHz trunked systems and that it operates such systems to provide essential communications directly related to its manufacturing activities. Several of the channels in GMRC trunked

systems utilize frequencies below 854.4765 MHz (800 MHz channels 1-150), which in most areas of the country are designated General Category channels.

GMRC sought reconsideration of the Commission's December 15, 1995, decision in the above-captioned proceeding to redesignate the General Category channels exclusively for SMR use.^{1/} GMRC showed that the Commission failed to provide a rational basis for the redesignation of the General Category channels and that the Commission's decision to foreclose the future licensing of General Category channels to industrial and business operators will harm the competitiveness of American industrial firms by precluding the expansion and/or modification of their existing internal communications systems. GMRC also requested clarification that the Commission's December 15, 1996 decision did not serve to redesignate 800 MHz channels 1-150 in the Canadian border regions (which are classified as Industrial/Land Transportation channels rather than as General Category channels) exclusively for SMR use.

No party directly opposed GMRC's petition for reconsideration. In fact, several parties filed pleadings on April 29, 1996, generally supporting the GMRC petition for reconsideration. See, e.g., UTC at 2-7; Duke Power Company at 2-6.

One party, Nextel Communications, Inc., however, filed an opposition to the petitions seeking reconsideration of the

^{1/} 11 FCC Rcd 1463 at 1535 (1996).

Commission's decision to reallocate the General Category channels to the SMR service, without referencing the petition for reconsideration filed by GMRC. Rather than challenging the merits of the GMRC argument -- that General Category channels should remain available for the private internal communications needs of industrial users -- Nextel challenged the good faith of a couple of the utility petitioners seeking reconsideration of the same issue, the Southern Company and UTC. Nextel argues that "utilities led by Southern . . . have licensed the General Category channels for purposes beyond their own private, internal communications needs," namely the provision of communications services to third parties. Nextel at 11-12.

By focusing on the alleged plans of certain utilities to provide for-profit communications services to third parties using General Category channels, however, Nextel completely ignores the needs of industrial users like GMRC that require the continued availability of General Category channels for private communications related to their manufacturing activities. The Commission should not accept Nextel's suggestion that all parties opposing the redesignation of the General Category channels exclusively for SMR use are seeking "free" spectrum in order to provide for-profit service to third parties in competition with SMRs because this is clearly not the case.

The Commission also should reject Nextel's argument that the Commission should not clarify the special status of the General

Category channels in the border areas. See Nextel at 15 ("it would be too administratively complex to carve out special rules for border areas"). As described in GMRC's petition for reconsideration, incumbent non-SMR users of 800 MHz channels 1-150 in the Canadian border area require clarification that the Commission's decision does not affect their ability to use, expand and/or modify their existing systems on these channels.

In sum, the Commission should reconsider its earlier decision to redesignate the General Category channels for SMR use. It should recognize the important role that these channels play in providing essential communications to American manufacturers and businesses.

Respectfully submitted,

GENERAL MOTORS RESEARCH CORPORATION



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May 13, 1996

CERTIFICATE OF SERVICE

I, Marcia Towne Devens, do hereby certify that true and correct copies of the foregoing document, "Reply of General Motors Research Corporation To Oppositions To Petition For Reconsideration," were served by hand or by first-class U.S. Mail, postage prepaid, this 13th day of May, 1996, on the following:

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